

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS
MARCH 7, 2011

PRESENT

CHAIRPERSON, ALLEN BIEHL
BOARD MEMBERS: SALLY ALBRECHT
RON TANSKI
DONNA WATKINS
TERRY HUGHES

ALSO PRESENT

JIM MOTTICE
SARAH ZOKER
JAMES BEGAM
ALAN GRIBBLE
DAVE FOLZ
KATHY FOLZ
PAULA HARDMAN
CARL SIGEL
MEGAN SIGEL
ERIC SHAFFER
LISA SHAFFER
GARY HOFFMAN
MIKE CARLSON
CHAD O'CONNOR
DEBRA SEGGIO

ZI, JUDITH EMRICK
ZS, ROBIN HALLEEN

AGENDA

HANDOUTS:

- 1. MARCH CALENDAR**
- 2. AMENDMENTS – ZONING RESOLUTION**
- 3. COURT DOCUMENTS – TIGER GENERAL**
- 4. COURT DOCUMENTS – TIGER GENERAL**

CONDITIONAL ZONING CERTIFICATES (APPROVED – REQUIRE SIGNATURE):

- 1. CONDITIONAL ZONING CERTIFICATE #13 – MEDINA BIRD CLUB**

MINUTES:

- 1. JANUARY 3, 2011**
- 2. FEBRUARY 7, 2011**

APPLICATIONS:

- 1. VARIANCE: APPLICATION #01-11-002 ~ A REQUEST BY ADAM SIGNS, 36097 WESTMINSTER AVE., #1, NORTH RIDGEVILLE, OHIO 44039 ON BEHALF OF GANLEY NISSAN, 5180 MONTVILLE DRIVE, MEDINA, OHIO 44256 TO ALLOW AN ADDITIONAL SIGN ON EXISTING POLE (SECTION 510.E – GROUND SIGNS).**
- 2. VARIANCE: APPLICATION #02-11-005 ~ A REQUEST BY SIGNET HEALTHCARE, 75 E. MARKET STREET, ARKON, OHIO 44308 FOR SUMMA HEALTHCARE, 3780 MEDINA ROAD, MEDINA, OHIO 44256 (SECTION 320.1.B – REQUIRED STREET FRONTAGE; SECTION 430.4.A – MINIMUM AREA WIDTH) TO ALLOW PARCEL**

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TO HAVE ACCESS TO ROUTE 18 THROUGH THE APPROVED INGRESS AND EGRESS.

3. **CONDITIONAL AMENDMENT: APPLICATION #02-11-003 – CONDITIONAL ZONING CERTIFICATE AMENDMENT #2 TO CONDITIONAL ZONING CERTIFICATE #8 ~ A REQUEST BY MR. JOHN HOLLAND OF HOLLAND MANAGEMENT INC., P. O. BOX 427, SHARON CENTER, OHIO 44274 FOR RUSTIC HILLS COUNTRY CLUB AND GOLF COURSE, 5399 RIVER STYX ROAD, MEDINA, OHIO 44256 TO ALLOW COUNTRY CLUB AND GOLF COURSE TO BE OPEN TO THE PUBLIC (SECTION 450.6.P COUNTRY CLUB/GOLF COURSE PUBLIC OR SEMI-PRIVATE).**

4. **CONDITIONAL COMPLIANCE REVIEW: APPLICATION #02-11-006 ~ CONDITIONAL ZONING CERTIFICATE COMPLIANCE REVIEW #5, MR. GARY HOFFMAN, MONTVILLE LAKES/BLUE HERON SUBDIVISION, MEDINA, OHIO 44256.**

5. **CONDITIONAL COMPLIANCE REVIEW: APPLICATION #02-11-009 ~ CONDITIONAL ZONING CERTIFICATE COMPLIANCE REVIEW #4, MR. GARY HOFFMAN, MONTVILLE LAKES/BLUE HERON GOLF COURSE, MEDINA, OHIO 44256.**

6. **CONDITIONAL COMPLIANCE REVIEW: APPLICATION #02-11-010 ~ CONDITIONAL ZONING CERTIFICATE COMPLIANCE REVIEW #4, MR. GARY HOFFMAN, MONTVILLE LAKES/BLUE HERON CLUB HOUSE, MEDINA, OHIO 44256.**

PUBLIC HEARING

Chairperson, Biehl called the March 7, 2011 Board of Zoning Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Board Member, Albrecht: “Present”
Board Member, Tanksi: “Present”
Board Member, Watkins: “Present”
Board Member, Hughes: “Present”
Chairperson, Biehl: “Present”

Zoning Inspector, Emrick confirmed that all proper notices were sent and all contiguous property owners were notified.

Chairperson, Biehl: “If there is anyone here who wishes to speak on the subject(s) in question tonight, please sign the witness sheet, if you have not already done so. Anyone who wishes to speak will be sworn in before their testimony is heard. The official minutes of the meeting are taped and therefore, it is important that the participating public state their name clearly, prior to testimony. The Board of Zoning Appeals is a quasi-judicial body who bases their decisions on facts and not opinion and therefore, we ask

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that your testimony be based on fact and not personal opinion. The written/typed transcripts (minutes) are the official documentation of the proceedings.”

MINUTES:

1. JANAURY 3, 2011

MOTION: Board Member, Watkins moved to approve Minutes as written

SECOND: Board Member, Tanski

ROLL CALL:

Board Member, Tanski: “Approve”
Board Member, Watkins: “Approve”
Board Member, Hughes: “Approve”
Board Member, Albrecht: “Abstain” (Not Present)
Chairperson, Biehl: “Approve”

2. FEBRUARY 7, 2011

MOTION: Board Member, Albrecht moved to approve Minutes as written

SECOND: Board Member, Tanski

ROLL CALL:

Board Member, Watkins: “Abstain” (Not Present)
Board Member, Hughes: “Abstain” (Not Present)
Board Member, Albrecht: “Approve”
Board Member, Tanski: “Approve”
Board Member, Biehl: “Approve”

- 1. VARIANCE: APPLICATION #01-11-002 ~ A REQUEST BY ADAM SIGNS, 36097 WESTMINSTER AVE., #1, NORTH RIDGEVILLE, OHIO 44039 ON BEHALF OF GANLEY NISSAN, 5180 MONTVILLE DRIVE, MEDINA, OHIO 44256 TO ALLOW AN ADDITIONAL SIGN ON EXISTING POLE (SECTION 510.E – GROUND SIGNS).**

Chairperson, Biehl introduced the first item.

Zoning Inspector, Emrick: This application is begin withdrawn from tonight’s agenda. After reviewing the application we discovered that the existing pole isn’t on Ganley Nissan’s property. The pole is actually on Strickland’s property. An applicant cannot request a variance for someone’s property.

Chairperson, Biehl opened the hearing to the public for comments and/or questions.

No Response.

Chairperson, Biehl closed the meeting to public participation.

Chairperson, Biehl asked for a motion.

MOTION: Board Member, Albrecht made a motion to withdraw Application #01-11-002 from the March 7, 2011 agenda.

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SECOND: Board Member, Tanski

ROLL CALL:

Board Member, Watkins: “Approve”

Board Member, Hughes: “Approve”

Board Member, Albrecht: “Approve”

Board Member, Tanski: “Approve”

Chairperson, Biehl: “Approve”

The motion to withdraw Application #01-11-002 from agenda was passed by a vote of 5-0.

- 2. VARIANCE: APPLICATION #02-11-005 ~ A REQUEST BY SIGNET HEALTHCARE, 75 E. MARKET STREET, ARKON, OHIO 44308 FOR SUMMA HEALTHCARE, 3780 MEDINA ROAD, MEDINA, OHIO 44256 (SECTION 320.1.B – REQUIRED STREET FRONTAGE; SECTION 430.4.A – MINIMUM AREA WIDTH) TO ALLOW PARCEL TO HAVE ACCESS TO ROUTE 18 THROUGH THE APPROVED INGRESS AND EGRESS.**

Chairperson, Biehl introduced the second item by reading Application #02-11-005.

The applicant is requesting three (3) variances for the proposed subdivided parcel of .4964 acres:

- 1) Applicant requests that a variance be granted to allow the existing easement agreement to serve as Required Street Frontage for the proposed subdivided parcel in lieu of a dedicated public street or an approved private street as required under Section 320.1.B of the Montville Township Zoning Code.*
- 2) Applicant requests that a variance be granted for the Minimum Lot Size as required under Section 430.4.A of the Montville Township Zoning Code.*
- 3) Applicant requests that a variance be granted for the Setback Requirements as required under Section 430.5.A of the Montville Township Zoning Code.*

The applicant is required under its bank financing agreement to split the portions of the land currently not encompassed in the development of the first phase of the Health Center of Lake Medina Project into separate legal parcels. Therefore, the land under the Emergency Department will be owned by Summa Health Systems and is required to be split into a separate parcel. The land will remain in the ownership of Summa Akron City and St. Thomas Hospitals.

A literal interpretation of the resolution would be cost prohibitive and would place the existing project financing in default due to the failure to subdivide the parcel. Future development and financing would be jeopardized. By agreement, all future development is to be conducted by the current land owner, Summa Healthy Systems, or by the current developer, Signet. Future development will be consistent in use with the first phase of the Project.

Special conditions do not result from previous actions of the applicant.

The requested variance is the minimum variance that will allow a reasonable use of the land and/or building. The variance to use the easement simply allows the proposed parcel to have access to Route 18 through approved ingress and egress of the project under development. The variances for the minimum lot size and setback provisions are unique to the development of the Emergency Department as an addition to the existing development located at 3780 Medina Road.

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Chairperson, Biehl noted there was also a site plan attached to the application.

Chairperson, Biehl read the following memo addressed to the Board of Zoning Appeals from Zoning Inspector, Judith Emrick:

February 28, 2011

Re: Signet Healthcare – Summa at Lake Medina Emergency Room Addition – 3780 Medina Road

Last year Summa came in with an emergency room addition to the already existing facility. It was to be constructed to the south of the existing building. The plans were reviewed by the Zoning Commission and approved. After receiving approval Summa was ready to start construction. Shortly after the issuance of their Land Disturbance permit I received a call from Alan Gribble who informed me that due to Summa's financing they needed to own the property the proposed ER was going to be constructed on. Because they will be creating a new lot, their request is for a variance to Section 430.4 (Lot Requirements) and 430.5 (Yard and Spacing Requirements). They will not meet the minimum lot area or building spacing. If Summa did not need this property for their financing the variance to Section 320.1.B would not be necessary. The Board granted a variance in 2009 for the 4.2228 acre lot (#3) to allow the driveway on to Ohio 18 to be used as road frontage. The same will be necessary for this newly created lot.

Chairperson, Biehl asked if there was anyone in the audience representing Signet Healthcare.

Applicant, Alan Gribble and Zoning Inspector, Emrick were sworn in.

Chairperson, Biehl asked Mr. Gribble if he had any information to add to the application.

Applicant, Alan Gribble: Simply, we are trying to have the land directly underneath the Emergency Department separated into a separate parcel pursuant to bank financing requirements.

Board Member, Watkins: Will the parcels be re-combined when construction is finished and financing is complete?

Applicant, Alan Gribble: I really can't say at this time. We don't know which way the financing will go in the future. Right now we are under a three (3) year financing agreement with our bank. There will be future development on those parcels. I'm not sure what section of the land the development will occur on. Right now, the intent is to not re-combine the parcels.

Board Member, Watkins: Are the parcels under the same ownership?

Applicant, Alan Gribble: Yes

Board Member, Watkins: Is it possible to sell these parcels after they have been divided and after the development has been complete?

Applicant, Alan Gribble: No, they would have to be sold with the improvements installed. The purpose is to align the land so it becomes a whole package.

Board Member, Tanski: Are you saying that there would have to be a building there that would be sold with the property?

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Applicant, Alan Gribble: We would not sell the land underneath without selling the building. Lenders are looking at these situations differently now.

Board Member, Watkins: Regarding the easement that gives you road frontage, will that be there forever?

Applicant, Alan Gribble: Yes. It is a perpetual easement.

Chairperson, Biehl opened the hearing to the public for comments and/or questions.

No Response.

Chairperson, Biehl closed the meeting to public participation.

Chairperson, Biehl asked for a motion.

The Board reviewed the Duncan Factors.

Duncan Factors:

1. **Will the property yield a reasonable return or is there a beneficial use of the property without the variance? No**
2. **Is the variance substantial? No, the variance is unusual but not substantial.**
3. **Would the essential character of the neighborhood be substantially altered or adjoining properties suffer a “substantial detriment” as a result of the variance? No**
4. **Will the variance adversely affect the delivery of governmental services? No**
5. **Did the property owner purchase the property with the knowledge of the Zoning Resolution? Yes**
6. **Can the property owner’s predicament be solved by some other means rather than granting the variance? No**
7. **Will the variance preserve the “spirit and intent” of the zoning requirement and will substantial justice be done by granting the variance? Yes**

Chairperson, Biehl asked for a motion.

MOTION: Board Member, Albrecht: I move that a variance be granted to Signet Healthcare – Summa at Lake Medina, Emergency Room addition – 3780 Medina Road, Medina, Ohio 44256 for

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Section 320.1.B (Required Street Frontage). I further move that a variance be granted to Section 430.4.A (Minimum Lot Size) and Section 430.5.A (Setback Requirements).

SECOND: Board Member, Watkins

ROLL CALL:

Board Member, Albrecht: "Approve"

Board Member, Tanski: "Approve"

Board Member, Watkins: "Approve"

Board Member, Hughes: "Approve"

Chairperson, Biehl: "Approve"

Variance requests for Summa Healthcare were passed by a vote of 5-0.

Note: Board Member, Watkins recused herself for the next item due to a conflict of interest.

- 3. CONDITIONAL AMENDMENT: APPLICATION #02-11-003 – CONDITIONAL ZONING CERTIFICATE AMENDMENT #2 TO CONDITIONAL ZONING CERTIFICATE #8 ~ A REQUEST BY MR. JOHN HOLLAND OF HOLLAND MANAGEMENT INC., P. O. BOX 427, SHARON CENTER, OHIO 44274 FOR RUSTIC HILLS COUNTRY CLUB AND GOLF COURSE, 5399 RIVER STYX ROAD, MEDINA, OHIO 44256 TO ALLOW COUNTRY CLUB AND GOLF COURSE TO BE OPEN TO THE PUBLIC (SECTION 450.6.P COUNTRY CLUB/GOLF COURSE PUBLIC OR SEMI-PRIVATE).**

Chairperson, Biehl introduced the third item by reading the information from Application #02-11-003.

Chairperson, Biehl read the following memo addressed to Zoning Inspector, Emrick and attached to the application.

January 25, 2011

Re: Rustic Hills Country Club

Dear Judy:

Enclosed is the application to request a change from a private to semi private Country Club. This application is precipitated by the changing economy and the changing habits of golfers throughout the country.

While this change in the Conditional Zoning Certificate would be minor, it is appropriate. We anticipate about 20 to 25 more cars per day for golf and it is wise to note that this additional traffic flow would not occur during the busy peak traffic hours.

We look forward to the opportunity to present ourselves to the board at your earliest convenience.

Sincerely,

*John E. Holland
Holland Management, Inc.*

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Chairperson, Biehl read the following memo addressed to the Board of Zoning Appeals from Zoning Inspector, Emrick:

February 8, 2011

Re: Rustic Hills Country Club

Recently the Zoning Commission approved a text amendment that would allow private Country Clubs to be open for public play. Over the years we have had some requests related to this matter.

Mr. Holland is asking for a Conditional Use Amendment to allow Rustic Hills Country Club to be open for public play as the new text allows.

Per the attached letter, it does not appear that the traffic will be much of a problem.

Should you have any questions, please let me know.

Chairperson, Biehl asked if there was anyone in the audience representing Rustic Hills.

Mr. Jim Mottice, Mr. Jim Begham and Ms. Sarah Zokar were sworn in.

Chairperson, Biehl asked if they had anything to add to the application.

Mr. Jim Mottice: I think the economic conditions of the current times have made it necessary for businesses to change the way they are doing things. I think Rustic Hills has been an asset to Montville Township for a long time. We hope to be able to continue to do that. Country Clubs used to be a necessity for socialization and now they have become a luxury item. We have found memberships are decreasing. We are trying to survive in the community.

Board Member, Albrecht: Do you have a percentage of loss that you are experiencing that you can share with us?

Mr. Jim Mottice: I don't have percentages.

Mr. Jim Begham: I am the President of the Board of Directors for Rustic Hills Country Club. I was the first Chief of Police for Montville Township. Speaking as Chief of Detective, Investigator, and Road Officer I am well aware of the traffic issues. Rustic Hills (River Styx Road) becomes a cut through. We have seen a loss of members because of the economic issues. I think opening up Rustic Hills to the public will allow it to survive as a business.

Chairperson, Biehl: At its peak, how many members did the Country Club have and how many members do you have now?

Mr. Jim Mottice: At the most we had about 330 families. Since 911, the membership has decreased periodically. Sarah may be able to answer this question.

Ms. Sarah Zokar: About 241...

Chairperson, Biehl: Do you have any idea what patronage will be if you are open to the public.

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Ms. Sarah Zokar: We had five (5) members resign in January and another five (5) members resigned in February.

Mr. Jim Begham: We broke up different types of memberships throughout the Club. For instance some people have just Golf Memberships, some have just Pool Memberships and we are now offering Dining Memberships.

Board Member, Hughes: If you are going to open up the golf to the public, will those people become members

Mr. Jim Mottice: No, they will not have to become a member. Golf Courses are very competitive right now. There is a lot of open time on our Course. The open time will be available for open play.

Board Member, Hughes: How do your current members feel about other people coming into the Club and aren't required to have a membership?

Mr. Jim Mottice: I think our members understand that we need this to survive.

Board Member, Tanski: Are you asking for just the Golf Course to be open to the public?

Mr. Jim Mottice: Golf and Dining will become semi-private.

Board Member, Tanski asked Mr. Mottice if he felt there would be many people coming from outside the Township. Board Member, Tanski explained he was concerned about traffic safety.

Mr. Jim Mottice: I hope we get more people from outside the area. I really don't think we are going to get a major flow of traffic from Akron.

Board Member, Albrecht explained that she was concerned about the traffic safety issues.

Zoning Inspector, Emrick: I sent the Board a letter from the County Engineer's Office. The letter cannot be entered into testimony tonight because Mr. Conrad isn't here. In the research I found that the Ohio Department of Transportation, in their Tripp Generation Manual, doesn't differentiate between public or private Golf Courses/Country Clubs. As far as traffic is concerned they are "mute" on that point. Perhaps in the future, the Club may want to consider re-locating their driveway. It is only a thought. I don't know of any other establishment that has actually moved their driveway. Rustic Hills Country Club can work with the County regarding safety issues. I also have some more information to add. Trustee, Bischof called and asked me to relay a message that he would like the Board to sincerely consider approving this amendment.

Chairperson, Biehl opened the hearing to the public for comments and/or questions.

Carl Sigel was sworn in.

Carl Sigel: I live directly across from Rustic Hills Country Club and we are members there. My concern is the traffic and the added traffic. We have seen three (3) deaths right outside our house. Obviously if you are going to open to public it will increase the traffic. I have another concern about people coming in that aren't members and they may not be as "careful" as the members are. We have been to several meetings in the past and have asked for the Montville Police Department to monitor the area a little more.

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Mr. Jim Mottice explained that he didn't know how much control anyone could have about the speed in which people drive. Mr. Mottice said he felt that the increased traffic wouldn't make a difference because he didn't think the increase would be that dramatic. Mr. Mottice suggested that maybe the speed limit should be reduced to 25 miles per hour.

Zoning Inspector, Emrick: I will pass the information/suggestions along to the Trustees.

Board Member, Hughes: The state has jurisdiction on speed limits and I think it would be very difficult to have the speed limit changed.

Zoning Inspector, Emrick: The Trustees meet tomorrow night. I will mention your suggestions to the Trustees and perhaps there is something that can be done.

Megan Sigel was sworn in.

Megan Sigel: I understand the issues with the economy. We like the Club but I think if members have the choice of paying a large fee for a membership or just paying for when they want to come, I wonder if opening up the Club to the public will cause membership to decrease. Ms. Sigel also stated her concern for the traffic safety issues felt the increased traffic would make the situation worse.

Mr. Jim Mottice: My experience has been that after a round of golf people usually want to eat. I think it is only common sense to also open the Dining to the public if we are going to open the Golf Course to the public.

Megan Sigel: We were at a past meeting when Mr. Holland was requesting to put a residential development on the Golf Course property. Does making the Golf Course open to the public have anything to do with that development?

Zoning Inspector, Emrick: No. You are correct, Mr. Holland did present a plan for a development in past years, which was declined but tonight's amendment request for the Golf Course to be open to the public, does not have anything to do with a residential development.

Megan Sigel: I went to that meeting and I thought it was stated at that meeting that the Golf Course had to become public in order to put houses on the property.

Zoning Inspector, Emrick: Again, this amendment has absolutely nothing to do with a residential development.

Carl Sigel: If the Country Club has to open to the public to survive, I don't object to that. I have a major concern about the traffic issues. I've been to meetings in the past to request that the Police Department monitor the area more often.

Chairperson, Biehl closed the meeting to public participation.

Chairperson, Biehl asked for a motion.

MOTION: Board Member, Tanski: I move that Conditional Amendment #2 be issued to Mr. John Holland of Holland Management, Inc., P. O. Box 427, Sharon Center, Ohio 44274 for Rustic Hills Country Club and Golf Course, 5399 River Styx Road, Medina, Ohio 44256 to allow Country Club and Golf Course to be open to the public (Section 450.6.P – Country Club/Golf Course Public or Semi-Private).

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SECOND: Board Member, Hughes

ROLL CALL:

Board Member, Hughes: “Approve”

Board Member, Albrecht: “Approve”

Board Member, Tanski: “Approve”

Chairperson, Biehl: “Approve”

Conditional Zoning Certificate Amendment #2 - Rustic Hills Country Club passed by a vote of 4-0.

Note: Board Member, Watkins returned to her seat on the Board.

Board Member, Albrecht recused herself for the next item due to a conflict of interest.

- 4. CONDITIONAL COMPLIANCE REVIEW: APPLICATION #02-11-006 ~
CONDITIONAL ZONING CERTIFICATE COMPLIANCE REVIEW #5, MR. GARY
HOFFMAN, MONTVILLE LAKES/BLUE HERON SUBDIVISION, MEDINA, OHIO
44256.**

Chairperson, Biehl introduced the fourth item by reading the information from Application #02-11-006 (Conditional Zoning Certificate #4).

Chairperson, Biehl read the following memo addressed to the Board of Zoning Appeals from Zoning Inspector, Emrick:

February 28, 2011

Re: Blue Heron Subdivision

Things in Blue Heron and Montville Lakes Subdivision have been quiet lately. We did call about the landscaping of a cul-de-sac and some grass cutting in Blue Heron. These issues were taken care of. I haven't had any other calls with issues.

You may recall that the swale issue was corrected and approved by your Board in August 2009. I haven't had any complaints from the neighbor whose property this swale impacted.

Chairperson, Biehl asked if there was anyone in the audience representing the applicant.

Applicant, Gary Hoffman was sworn in.

Chairperson, Biehl asked Mr. Hoffman if he had anything to add to the application.

Applicant, Gary Hoffman: Not at this time.

Board Member, Tanski: Asked how many lots were left in the Subdivision.

Applicant, Gary Hoffman: There are about 80 lots left. Unfortunately there are a set of 23 cluster units and another set of 18 cluster units that a bank owns. The bank took over the cluster units in the Subdivision. The bank won't sell the cluster units to individuals they want to sell the whole block of units as one.

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Board Member, Tanski questioned why a bank owns the clusters.

Applicant, Gary Hoffman explained that he sold the cluster units to a builder. The builder was struggling so in order to stop foreclosure the bank took over ownership.

Zoning Inspector, Emrick: The bank did send a representative in to meet with the Zoning Commission with regards to re-configuring the cluster units.

Board Member, Watkins: Do each set of clusters have their own Homeowner's Association?

Applicant, Gary Hoffman: The people that own the clusters have taken over the Homeowner's Association. They have an agreement with the bank and they are taking care of their maintenance needs. The cluster Homeowner's Association members are also a part of the overall subdivision Homeowner's Association.

Chairperson, Biehl opened the hearing to the public for comments and/or questions.

Chad O'Connor was sworn in.

Chad O'Connor: There are a couple of areas of the street that are cracked, lifting and separating. It is close to my house, 3089 Blue Heron Trace.

Chairperson, Biehl: Judy is that a public or private street?

Zoning Inspector, Emrick: That is a public street so I will pass the information along to our Roads Maintenance Department.

No Response.

Chairperson, Biehl closed the meeting to public participation.

Chairperson, Biehl asked for a motion.

MOTION: Board Member, Tanski: I move that Conditional Compliance Review #5 be granted for Mr. Gary Hoffman, Montville Lakes/Blue Heron Subdivision, Medina, Ohio 44256. Applicable Sections of Zoning Resolution: 804; 805; 806 (Amendments 1-7) ~ Term: Three (3) Years

SECOND: Board Member, Hughes

ROLL CALL:

Board Member, Watkins: "Approve"

Board Member, Hughes: "Approve"

Board Member, Tanski: "Approve"

Chairperson, Biehl: "Approve"

Conditional Zoning Certificate Compliance Review #5 - Montville Lakes/Blue Heron Subdivision passed by a vote of 4-0.

- 5. CONDITIONAL COMPLIANCE REVIEW: APPLICATION #02-11-009 ~
CONDITIONAL ZONING CERTIFICATE COMPLIANCE REVIEW #4, MR. GARY**

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**HOFFMAN, MONTVILLE LAKES/BLUE HERON GOLF COURSE, MEDINA, OHIO
44256.**

Chairperson, Biehl introduced the fifth item by reading the information from Application #02-11-009 (Conditional Zoning Certificate #3).

Chairperson, Biehl read the following memo addressed to the Board of Zoning Appeals from Zoning Inspector, Emrick:

February 28, 2011

Re: Blue Heron Golf Course and Club House Conditional Use Reviews

I haven't had any complaints regarding the above mentioned Golf Course and Club House. If there have been any problems, the Zoning Office is not aware of them.

Chairperson, Biehl asked Mr. Hoffman if wanted to add any additional information to the application.

Applicant, Gary Hoffman: No

Chairperson, Biehl asked the Board if they had any questions for Mr. Hoffman.

No response.

Chairperson, Biehl opened the hearing to the public for comments and/or questions.

No Response.

Chairperson, Biehl closed the meeting to public participation.

Chairperson, Biehl asked for a motion.

MOTION: Board Member, Watkins: I move that Conditional Compliance Review #4 be approved for Mr. Gary Hoffman, Montville Lakes/Blue Heron Golf Course, Medina, Ohio 44256. Applicable Sections of Zoning Resolution: 804 (A-G); 805 (102, 119, 123, 124) 806 (1-6) (Amendments 1-2) ~ Term: From this point on the Conditional Zoning Certificate will be reviewed for compliance by the Zoning Office.

SECOND: Board Member, Tanski

ROLL CALL:

Board Member, Hughes: "Approve"

Board Member, Tanski: "Approve"

Board Member, Watkins: "Approve"

Chairperson, Biehl: "Approve"

Conditional Zoning Certificate Compliance Review #4 - Montville Lakes/Blue Heron Golf Course passed by a motion of 4-0.

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**6. CONDITIONAL COMPLIANCE REVIEW: APPLICATION #02-11-010 ~
CONDITIONAL ZONING CERTIFICATE COMPLIANCE REVIEW #4, MR. GARY
HOFFMAN, MONTVILLE LAKES/BLUE HERON CLUB HOUSE, MEDINA, OHIO
44256.**

Chairperson, Biehl introduced the sixth item by reading the information from Application #02-11-010 (Conditional Zoning Certificate #3).

Chairperson, Biehl asked Mr. Hoffman if wanted to add any additional information to the application.

Applicant, Gary Hoffman: No

Chairperson, Biehl asked the Board if they had any questions for Mr. Hoffman.

No response.

Chairperson, Biehl opened the hearing to the public for comments and/or questions.

Chad O'Connor: Asked Mr. Hoffman if he was going to repair the net on the driving range.

Applicant, Gary Hoffman: The net has been ordered. We are aware of that and it should be taken care of very soon.

Chairperson, Biehl closed the meeting to public participation.

Chairperson, Biehl asked for a motion.

MOTION: Board Member, Tanski: I move that Conditional Compliance Review #4 for Mr. Gary Hoffman, Montville Lakes/Blue Heron Club House, Medina, Ohio be approved. Applicable Sections of Zoning Resolution: 804 (A-G); 805 (102, 119, 123, 124) 806 (1-6) ~ Term: From this point on the Montville Lakes/Blue Heron Club House Conditional Zoning Certificate will be reviewed for compliance by the Zoning Office.

SECOND: Board Member, Watkins

ROLL CALL:

Board Member, Tanski: "Approve"

Board Member, Watkins: "Approve"

Board Member, Hughes: "Approve"

Chairperson, Biehl: "Approve"

Conditional Zoning Certificate Compliance Review #4 - Montville Lakes/Blue Heron Club House passed by a motion of 4-0.

Update – Zoning Inspector, Emrick:

The document you received as handouts tonight are for you to take home to read.

Board Member, Tanski mentioned a 20 foot section of curb that needed to be repaired in Turnberry. He said that it was obviously caused from the snow plow.

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Zoning Inspector, Emrick said that she would pass on the information to the Roads Department.

Board Member, Tanski mentioned there was a house in Turnberry that did not have a side walk.

Zoning Inspector, Emrick said she knew which house he was talking about and she would send a letter to the homeowner.

Chairperson, Albrecht asked for a motion for adjournment:

MOTION: Board Member, Hughes

SECOND: Board Member, Tanski

ROLL CALL: A collective oral vote was taken. All Board Members stated "Aye". (No "Nay" votes.)

Meeting adjourned at 9:15 p.m.

Respectfully Submitted

Robin Halleen
Zoning Secretary

Approved:

Chairperson, Allen Biehl

Date